



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FREDERICK D. PIÑA,

Plaintiff,

-against-

THE UNITED STATES OF AMERICA,

Defendant.

20-CV-1371 (PAE) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

By motion dated January 12, 2022 (Mot.) (Dkt. No. 49), plaintiff Frederick D. Piña requests that the initial case management conference now scheduled to take place by telephone on January 18, 2022 be rescheduled for “a more reasonable and suitable date in time within the near future, to better accommodate Plaintiff’s legal calendar, and his other civil lawsuit.” Plaintiff does not propose any new date(s) for the conference, and there is no indication that he conferred with opposing counsel concerning potential dates as required by Moses Ind. Prac § 2(a). Nonetheless, as a courtesy to the pro se plaintiff, it is hereby ORDERED that the initial case management conference is ADJOURNED to **January 27, 2022 at noon**. At that time the parties should dial (888) 557-8511 and enter the access code: 7746387. Please treat the teleconference as you would treat any other public court appearance. If a conference or hearing in another matter is ongoing, please be silent (mute your line) until your case is called.

The Court notes but rejects, as baseless, plaintiff’s claim that defendant’s counsel made a “preemptive and rather callous move,” exhibited “wanton disregard for civility or legal decorum,” and “forcefully strong-arm[ed] Plaintiff into legally accepting an order and a conference date, which again; had been scheduled for January 18; unbeknownst to Plaintiff and made without regard for Plaintiff’s own calendar and his previously committed legal responsibilities; with pertaining to other; currently pending legal matters in the State of

California.” Mot. at 3. The initial case management conference was scheduled by the Court, not by defendant’s counsel. A copy of the Court’s scheduling order, dated December 1, 2021 (Dkt. No. 40) was mailed to the plaintiff that same day. Thereafter, at the request of defendant’s counsel, the Court converted the in-person conference to a telephonic conference, to take place on the same date and at the same time. A copy of that order, dated December 9, 2021, was mailed to the plaintiff that same day.

The Court further notes that this is not the first time that plaintiff Piña has accused opposing counsel of nonexistent misconduct. (*See, e.g.*, Dkt. Nos. 25, 28.) Plaintiff has also been quick to accuse the Court of corruption, bias and prejudice when dissatisfied with a judicial ruling. (*See, e.g.*, Dkt. Nos. 34, 43.) The Court takes this opportunity to remind Mr. Piña that *pro se* plaintiffs, like other litigants, are expected to approach scheduling and other pretrial matters cooperatively, deal courteously with their adversaries, and respect the authority of the Court. *See Koehl v. Greene*, 424 F. App’x 61, 62 (2d Cir. 2011) (summary order) (“The fact that Koehl was representing himself in this matter does not relieve him of his obligation to respect the dignity of the proceeding and to comply with the orders of the district court. Courts can adjudicate disputes only when the parties present reasoned arguments rather than invective-laden diatribes.”). There is no place in federal litigation for abusive and insulting language, whether directed at opposing counsel, at the Court, or at any other participant in the litigation. Name-calling can lead to significant sanctions, including dismissal of an action in its entirety. *See, e.g., Pimentel v. Delta Air Lines, Inc.*, 818 F. App’x 100, 101 (2d Cir. 2020) (affirming dismissal of two actions brought by a *pro se* plaintiff “for failure to comply with court orders and for using abusive language toward the judges”); *Koehl*, 424 F. App’x at 62 (upholding dismissal of *pro se* complaint “for

repeatedly filing documents with the court that contained derogatory and offensive statements regarding the presiding magistrate judge and opposing counsel”).

The Clerk of the Court is respectfully directed to mail a copy of this order to *pro se* plaintiff Frederick D. Piña.

Dated: New York, New York
January 14, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge